

**FINAL REPORT OF
COURT OF APPEALS
RECORD PRODUCTION WORK GROUP**

March 10, 2004

Record Production Work Group Members:

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FINAL REPORT

I. Introductory Statement by Chairperson

The Record Production Work Group was created by Chief Justice Corrigan and Chief Judge Whitbeck on August 6, 2003 and given the assignment of determining how much time was consumed by the record production process; how much time was consumed in each step of the record production process; how those times can be reduced; and if there are costs involved in bringing about said reductions and how those costs can be funded.

The Record Production Work Group held seven meetings, the last being February 10, 2004 which was a joint meeting with the Case Management Work Group. Statistics have been updated since our preliminary report of November 20, 2003 and they show that court rule requirements for record production are not being met in most criminal appeals and TPR appeals, but are being met in civil appeals. In TPR cases, recent efforts by the Court of Appeals over the past six months have brought about significant improvement in both transcript and record production times.

Some of the suggestions made by the Work Group cannot have a definite number of delay reduction days tied to them. For example, requiring the court reporters/recorders identity and an indication of whether a hearing was held as part of the regular entries on the Register of Actions will make identifying needed dates of transcripts easier and more efficient for all, but no specific days for delay reduction can be identified.

Other recommendations from the Work Group can save specific days. For example, changing the Court of Appeals protocol for enforcing production of late transcripts could save up to thirty (30) days or more in any given case, but not in every case since not all transcripts are late.

The linchpin of all of our efforts to get transcripts and records produced faster is the proposed increase in the page rate compensation that the reporters/recorders receive for originals and copies of transcripts. An increase in page rate compensation could be used as an incentive to produce transcripts not only in a timely manner but at a faster rate. Additionally, the increase in page rate compensation would allow reporters/recorders to hire other typists to help them prepare their transcripts more quickly.

As of the date of the writing of this final report, Senator Michael Switalski is actively engaged in introducing legislation to increase the page rate compensation for all types of cases and to provide funding to reimburse the counties for the additional costs incurred in preparing indigent criminal transcripts. Senator Switalski is working with SCAO to identify potential sources of revenue production for this funding. Additionally, the Case Management Work Group has recommended to the Supreme Court that the page rate compensation for summary disposition transcripts be increased as part of the case differentiation effort. The Work Group takes the position that that specific change could be made by Supreme Court order but if the Supreme Court believes that a legislative change to accomplish that increase is preferable, then the Work Group endorses that method also.

It should be noted, however, that in contrast to the majority of the Work Group, Don Fulkerson believes that legislative action is needed to change the page rate compensation. Also, Don expressed concern about having a higher page rate for summary disposition cases.

The Work Group is ready to be involved in the advisory process of coming up with a specific incentive/enforcement policy for the Court of Appeals on transcripts and records once the funding legislation for the page rate increase has been passed. In the meantime, the specific suggestions found in this report regarding court rule amendments and form amendments will make meaningful contributions to delay reduction.

II. Statistical Analysis – Time Consumed by Record Production

There are three major elements or steps in the record production process: A) the ordering of the transcript; B) the preparation of the transcript; and C) the filing of the lower court record.

A. Ordering of Transcript¹

Time to Order: The appellant is expected to order the complete transcript within 28 days of filing of the claim of appeal or issuance of the order granting leave to appeal. IOP 7.210(B)(1)-1; see also MCR 7.204(C)(2) and 7.205(D)(3).

In appeals with transcript orders issued between 1/1/01 and 12/31/03, the first transcript order was issued on or before the date of filing of the claim of appeal or issuance of the order granting leave to appeal in 78.10% of the cases. In the remaining 21.90%, the first transcript order was issued on average within 26.14 days after the claim of appeal was filed or leave to appeal was granted. Below are tables showing the average number of days to issuance of the first transcript order based on case type and district. For the full three-year period, the transcripts in civil (22.86 days) and termination of parental rights (TPR) (26.29 days) appeals were ordered on average in less than the 28 days allowed, while the transcripts in criminal appeals with retained counsel (45.89 days) were ordered on average in more than the 28 days allowed.

All Districts - Average Days to Issuance of First Transcript Order

Tr Order Date	2001	2002	2003
All Case Types	24.59	27.91	25.82
Criminal*	41.76	36.71	76.84
Civil	22.63	25.20	20.16
TPR	22.13	29.77	26.61

¹ The statistics included in this report regarding the time consumed in ordering the transcript differ from those included in the Work Group's preliminary report as transcripts ordered contemporaneously with the filing of the claim of appeal were inadvertently excluded from the statistics in the preliminary report.

Detroit - Average Days to Issuance of First Transcript Order

Tr Order Date	2001	2002	2003
All Case Types	26.88	28.74	30.07
Criminal*	46.77	59.89	100.91
Civil	24.50	20.92	22.05
TPR	25.52	31.55	30.45

Southfield - Average Days to Issuance of First Transcript Order

Tr Order Date	2001	2002	2003
All Case Types	24.25	30.10	27.83
Criminal*	44.26	20.19	73.67
Civil	22.23	31.92	24.33
TPR	8.13	31.78	16.17

Grand Rapids - Average Days to Issuance of First Transcript Order

Tr Order Date	2001	2002	2003
All Case Types	18.02	20.60	17.33
Criminal*	34.25	54.00	33.67
Civil	18.43	18.13	14.57
TPR	6.71	5.50	19.43

Lansing - Average Days to Issuance of First Transcript Order

Tr Order Date	2001	2002	2003
All Case Types	20.40	23.79	10.69
Criminal*	26.00	23.67	23.50
Civil	21.51	27.02	10.40
TPR	9.18	3.71	9.50

*This primarily includes retained counsel cases because in indigent cases with appointed counsel the trial and sentencing transcripts are routinely ordered contemporaneously with the appointment of counsel and the filing of the claim of appeal.

Note: The February 3, 2004, amendments to MCR 3.977(I), effective May 1, 2004, require in termination of parental rights cases that the appointment of counsel and the transcript order be contained on a form that functions as the claim of appeal. This amendment will eliminate the delay in ordering transcripts in termination of parental rights appeals with appointed counsel.

Number of Transcript Orders: In many appeals, there is more than one transcript order. Transcripts may be ordered from multiple reporters on the same date or from the same reporter but on different dates. In appeals with transcript orders between 1/1/01 and 12/31/03, on average there were 1.6 transcript orders per appeal. Below are tables showing the average number of transcript orders per appeal based on case type and district.

All Districts - Average Number of Transcript Orders Per Appeal

Tr Order Date	2001	2002	2003
All Case Types	1.6	1.6	1.6
Criminal	1.9	1.9	2.0
Civil	1.4	1.3	1.3
TPR	1.8	2.0	1.8

Detroit - Average Number of Transcript Orders Per Appeal

Tr Order Date	2001	2002	2003
All Case Types	2.1	2.1	2.1
Criminal	2.3	2.3	2.3
Civil	1.6	1.5	1.5
TPR	2.7	2.8	2.9

Southfield - Average Number of Transcript Orders Per Appeal

Tr Order Date	2001	2002	2003
All Case Types	1.6	1.5	1.5
Criminal	1.7	1.8	1.8
Civil	1.4	1.3	1.3
TPR	1.9	1.8	1.6

Grand Rapids - Average Number of Transcript Orders Per Appeal

Tr Order Date	2001	2002	2003
All Case Types	1.3	1.3	1.3
Criminal	1.5	1.5	1.4
Civil	1.1	1.1	1.1
TPR	1.3	1.6	1.3

Lansing - Average Number of Transcript Orders Per Appeal

Tr Order Date	2001	2002	2003
All Case Types	1.3	1.3	1.3
Criminal	1.6	1.6	1.6
Civil	1.2	1.2	1.2
TPR	1.1	1.2	1.1

B. Filing of Transcripts²

Average Time To File Per Reporter: Transcripts ordered in termination of parental rights and custody appeals are due within 42 days of the date they were ordered. MCR 7.210(B)(3)(b)(iii). Transcripts ordered for purposes of appeal in other types of cases are generally due within 91 days of the date they were ordered. MCR 7.210(B)(3)(b)(iv).

Reporters in civil appeals are on average filing their transcripts in significantly less time than the 91-day court rule requirement. Reporters in criminal appeals are on average filing their transcripts in slightly less than the 91-day court rule requirement, with the exception of reporters in criminal cases in the Detroit office where transcripts were filed on average in 94.20 days in 2003. This increase in the average time to file the transcript appears to be a consequence of the high volume of cases heard in Wayne Criminal in 2002 and 2003.

Reporters in termination of parental rights appeals are on average exceeding the 42-day court rule requirement for filing the transcript. Reporters exceeded the required time by 10.58 days on average in 2001, by 6.47 days in 2002, by 6.31 days in 2003. The average time to file the transcript by reporters in termination of parental rights appeals in the Detroit office has improved significantly over the last year to an average of 47.1 days in the last six months of 2003, 10 days less than in 2001. This reduction is due in large part to an experiment in the Detroit Clerk's office in which the Court of Appeals issues orders to show cause reporters on its own motion when a transcript is overdue rather than sending an involuntary dismissal warning letter to appellant's counsel. Due to the success of the experiment, it has recently been expanded to all four districts of the Court of Appeals.

Below are tables showing the average number of days that it took each reporter to file the transcript from the date ordered.

TPR (42 days) – Average Days to File Transcript Per Reporter

Tr Complete Date	2001	2002	2003
All Districts	52.58	48.47	48.31
Detroit	56.86	49.76	50.47
Southfield	57.88	50.42	46.26
Grand Rapids	42.06	43.01	48.52
Lansing	48.27	47.54	42.61

² The statistics included in this report regarding the time consumed in filing the transcript vary slightly from those included in the Work Group's preliminary report. The variance is due to the exclusion of custody appeals from the data on civil cases (the transcript in custody appeals is due in 42 rather than 91 days), refinement of the queries used to generate the statistics, and the inclusion of data for cases where the filing of the transcript was docketed in the second half of 2003 and early 2004.

Criminal (91 days) - Average Days to File Transcript Per Reporter

Tr Complete Date	2001	2002	2003
All Districts	75.79	82.97	89.31
Detroit	73.70	87.71	94.20
Southfield	77.51	75.00	81.49
Grand Rapids	70.45	75.89	80.48
Lansing	89.60	82.20	85.97

Civil (91 days) - Average Days to File Transcript Per Reporter

Tr Complete Date	2001	2002	2003
All Districts	75.55	75.39	78.37
Detroit	73.69	81.64	86.68
Southfield	70.06	67.50	65.51
Grand Rapids	70.31	71.12	73.13
Lansing	74.87	73.62	77.27

Filing of Transcripts – Average Time To File Complete Transcript: There is frequently more than one transcript order and more than one reporter involved in transcript production in an individual case. Below are tables that show the average number of days from the first transcript order to the filing of the complete transcript. As with the average time to file per reporter, there has been significant improvement in the average time to file the complete transcript in termination of parental rights appeals in the Detroit office in the last six months of 2003. The average time to file the complete transcript in the last six months of 2003 was 58.1 days, down from 68.1 days in 2001, 62.1 days in 2002, and 74.1 days in the first six months of 2003.

TPR (42 days) – Average Days to File Complete Transcript

Tr Complete Date	2001	2002	2003
All Districts	58.0	56.4	55.1
Detroit	68.1	62.1	67.2
Southfield	71.0	60.5	56.9
Grand Rapids	47.7	49.3	52.2
Lansing	49.4	51.1	41.4

Criminal (91 days) - Average Days to File Complete Transcript

Tr Complete Date	2001	2002	2003
All Districts	99.0	108.8	119.1
Detroit	107.1	124.3	137.3
Southfield	92.3	96.2	108.9
Grand Rapids	85.2	90.8	90.7
Lansing	103.1	100.5	101.6

Civil (91 days) - Average Days to File Complete Transcript

Tr Complete Date	2001	2002	2003
All Districts	72.0	67.3	67.4
Detroit	80.9	72.6	73.5
Southfield	68.7	62.5	58.6
Grand Rapids	72.1	67.5	67.3
Lansing	65.7	67.1	71.9

C. Filing of Lower Court Record

Filing of Lower Court Record – Time to File: The lower court record is to be filed with the Court of Appeals within 21 days after it is requested. MCR 7.210(G). A March 11, 2003, proposed rule amendment would reduce the time from 21 to 14 days. Below are tables that show the average number of days from the initial request for the lower court record to the filing of the lower court record with the Court of Appeals. Lower court records are routinely filed in less than 21 days in the Southfield, Grand Rapids, and Lansing offices of the Court of Appeals, while lower court records filed in the Detroit office (primarily appeals from Wayne Circuit Court) are filed on average in 34.3 days. The average time to file the lower court record in termination of parental rights appeals in the Detroit office improved significantly in the last six months of 2003 to 34.6 days, down from 49.2 days in 2001, 37.2 days in 2002, and 54.7 days in the first six months of 2003.

All Districts – Average Number of Days to File Lower Court Record

LC Record Filed	2001	2002	2003
All Case Types	24.5	21.9	21.1
Criminal	24.9	21.2	20.4
Civil	22.1	21.1	18.4
TPR	31.0	26.6	29.7

Detroit – Average Number of Days to File Lower Court Record

LC Record Filed	2001	2002	2003
All Case Types	32.2	28.2	32.6
Criminal	33.2	28.1	30.4
Civil	22.4	24.9	26.1
TPR	49.2	37.2	47.8

Southfield – Average Number of Days to File Lower Court Record

LC Record Filed	2001	2002	2003
All Case Types	24.8	18.9	12.4
Criminal	25.2	18	10.9
Civil	25.5	18.7	11.9
TPR	18.3	25.6	19.8

Grand Rapids – Average Number of Days to File Lower Court Record

LC Record Filed	2001	2002	2003
All Case Types	17.4	18.1	15.9
Criminal	14.8	16.0	13.3
Civil	16.6	18.0	17.5
TPR	23.8	22.1	17.4

Lansing – Average Number of Days to File Lower Court Record

LC Record Filed	2001	2002	2003
All Case Types	19.5	19.0	16.9
Criminal	14.9	13.8	12.5
Civil	21.7	21.5	19.0
TPR	18	18.1	17.3

D. Time Consumed By The Entire Record Production Process

The aggregate average time consumed by the record production process in civil appeals was 116.7 days in 2001, 113.6 days in 2002, and 106.0 days in 2003.

The aggregate average time consumed by the record production process in criminal appeals with retained counsel was 165.7 days in 2001, 166.6 days in 2002, and 216.3 days in 2003. The aggregate average time consumed by the record production process in indigent criminal appeals with appointed counsel (trial and sentencing transcripts ordered contemporaneously with the appointment of counsel and filing of the claim of appeal) was 123.9 days in 2001, 130.0 days in 2002, and 139.5 days in 2003.

The aggregate average time consumed by the record production process in termination of parental rights appeals was 111.1 days in 2001, 112.8 days in 2002, and 111.4 days in 2003.

Below are tables showing on average the time consumed in each element or step of the process as compared to the time allowed under the court rules. The record production process in civil appeals is completed on average in less than the time allowed, while the record production process in criminal and TPR appeals is completed on average in more than the time allowed.

Civil Appeals	2001	2002	2003	Court Rule Requirements
Average Time to Order Transcript	22.63	25.20	20.16	28
Average Time to File Complete Transcript	72.0	67.3	67.4	91
Average Time to File Record	22.1	21.1	18.4	21
Average Total Time	116.7	113.6	106.0	140

Criminal Appeals	2001	2002	2003	Court Rule Requirements
Average Time to Order Transcript*	41.76	36.71	76.84	28
Average Time to File Complete Transcript	99.0	108.8	119.1	91
Average Time to File Record	24.9	21.2	20.4	21
Average Total Time With Retained Counsel	165.7	166.6	216.3	140
Average Total Time With Appointed Counsel	123.9	130.0	139.5	112

*This primarily includes retained counsel cases because in indigent cases with appointed counsel the trial and sentencing transcripts are routinely ordered contemporaneously with the appointment of counsel and filing of the claim of appeal.

Termination of Parental Rights Appeals	2001	2002	2003	Court Rule Requirements
Average Time to Order Transcript	22.13	29.77	26.61	28
Average Time to File Complete Transcript	58.0	56.4	55.1	42
Average Time to File Record	31.0	26.6	29.7	21
Average Total Time	111.1	112.8	111.4	91

III. Possible Methods of Increasing Efficiency and Reducing Delay in Record Production Through Court Rule Amendments

A. The Work Group recommends that MCR 8.119(D)(1)(c) be amended to require that Register of Actions entries for all hearings include the court reporter/recorder's identity and a notation whether a hearing was actually held on the record. These additional requirements should allow the ordering party or court to more quickly and accurately identify the relevant

hearing dates and responsible reporter/recorder and help to eliminate substantial delay which occurs when the reporter/recorder or hearing date is incorrectly identified.

B. The Work Group recommends that MCR 7.210(B)(3)(a) be amended to require that the stenographer's certificate include a statement indicating (1) whether the reporter/recorder was the reporter/recorder of record for each of the dates requested and (2) the estimated number of pages requested. The Work Group anticipates that requiring the reporter/recorder to state in the stenographer's certificate whether they were the reporter/recorder for each of the dates requested will ensure, early on in the transcript production process, that the transcript order has been directed to the proper reporter/recorder. Requiring the reporter/recorder to state the estimated number of pages requested will provide information valuable to the Court of Appeals in pursuing overdue transcripts.

C. The Work Group recommends that MCR 6.425(F) be amended to require the trial judge to issue an order on a request for additional transcripts within 14 days of receipt of the request. The Work Group anticipates that this will speed issuance of orders for additional transcripts in criminal appeals with appointed counsel. Substantial delay occurs when the trial court fails to promptly rule on a request for production of additional transcripts.

D. The Work Group supports the amendments to MCR 7.210 proposed by the Court of Appeals as part of its delay reduction plan and assigned ADM File No. 2002-34. The proposed amendments would limit the transcript necessary for summary disposition appeals and shorten the time for filing those transcripts from 91 to 42 days. The amendments would also shorten the time to forward the lower court record in all appeals from 21 to 14 days.

Proposed court rule amendments to MCR 8.119(D)(1)(c) – register of actions, MCR 7.210(B)(3)(a) – stenographer's certificate, and MCR 6.425(F) – trial court responsibilities in criminal appeals by indigent defendants are attached at **Appendix A**. A proposed stenographer's certificate form is attached at **Appendix B**.

IV. Possible Legislative Changes to Reduce Delay

A. On March 4, 2003, Senator Michael Switalski introduced Senate Bill No. 245 which would increase the page rate paid to court reporters/recorders for transcripts from \$1.75 to \$3.00 per page for an original and from \$.30 to \$.50 per page for copies.

B. Companion legislation will authorize additional fines/costs to be levied by the trial judges, which revenue would go into a fund to be used to defray the additional costs to the counties occasioned by the page rate increase. Other funding sources are also being explored.

C. The Work Group was able to obtain information from approximately one half of the counties in Michigan on what they had expended in the last two years on transcripts in criminal cases with indigent defendants. Based on this information, the Senate Fiscal Agency was able to project that the additional annual cost to all counties statewide for transcripts in criminal cases with indigent defendants at the higher proposed page rate is \$2.2 million dollars.

Potential sources of funding to reimburse the counties for these additional costs include:

1. Creating a percentage share of the unified court fine and costs system.
2. Order defendants to pay a certain amount of costs into the fund directly above and beyond the unified fine and cost system.
3. Look to some funding source unconnected to the court system.
4. Raise motion fees for district/circuit courts with the increased amount designated for the fund to reimburse the counties.

D. It is the consensus of the Work Group that the page rate increase will help to reduce delay by providing an incentive for reporters/recorders to timely file the transcript. The Work Group is considering recommending that the increased page rate of \$3.00 per page for an original and \$.50 per page for copies be paid only to reporters/recorders who file all of the transcripts ordered from them in an individual case within the time provided by the court rules. Reporters/Recorders who fail to file all of the transcripts ordered from them in an individual case within the time provided by the court rules would be paid at the prior rate of \$1.75 per page for an original and \$.30 per page for copies. Alternatively, the Work Group is considering recommending that the increased page rate be paid only when all of the transcripts ordered from a reporter/recorder in an individual case are filed *early*. For example, when transcripts due in 91 days are filed within 77 days.

It is also the consensus of the Work Group that the page rate increase will give reporters/recorders sufficient funds to hire typists to assist with transcript production and encourage reporters/recorders to increase their skill level and to take advantage of newer equipment and evolving technology.

E. At a joint meeting on February 10, 2004, the Record Production Work Group endorsed a pilot project proposed by the Case Management Work Group to create a case differentiated fast track procedure for handling appeals from summary disposition cases.

Specifically, the Case Management Work Group is recommending that transcripts which are ordered (although they need not be provided) in an appeal in a summary disposition case be produced within 28 days. It was agreed that that production date can be met if the page rate was increased to \$3.00 per page and \$.75 per copy for such transcripts. This page rate compensation increase could be accomplished either by Supreme Court order or legislation and the Record Production Work Group can endorse either of those means.

V. Internal Protocol Changes at the Court of Appeals

Under the current Court of Appeals practice, a reminder postcard is sent to the reporter/recorder when the transcript is due. Approximately two weeks after the transcript is due, a letter is sent to appellant's counsel advising that the matter is eligible for involuntary dismissal or other action under MCR 7.217 for failure to secure the timely filing of the

transcript. The appellant is given 21 days from the date of the letter to secure the filing of the transcript. If the appellant is unable to secure the filing of the transcript, the preferred response is the filing of a motion for an order requiring the court reporter/recorder to show cause. Such a motion is eligible for submission to a panel on the first Tuesday seven days after the date of service. If the motion is granted, the reporter/recorder is generally given another week or two to complete the transcript before he or she is required to appear to show cause.

A. Since the fall of 2002, the Court of Appeals has been experimenting with an alternative process in termination of parental rights appeals from the Juvenile Division of Wayne Circuit Court. Rather than sending an involuntary dismissal warning letter to appellant's counsel, the Court has issued orders to show cause on its own motion when the transcript is overdue. Although time consuming for Court of Appeals staff, this process has significantly reduced delay in securing the filing of overdue transcripts. This process was expanded to all termination of parental rights appeals in late 2003. The Work Group endorses this change and recommends that the Court of Appeals expand this practice to criminal appeals where the appellant is represented by appointed counsel provided that the Court of Appeals has sufficient staffing to implement the change.

B. The Work Group recommends that the Court of Appeals management list programming be revised so that TPR appeals with overdue transcripts appear on the appropriate management list 7 days rather than 14 days after the transcript is due. This will result in orders to show cause being issued on the Court's own motion 7 days earlier than under current practice. It should be noted that the Court of Appeals is in the process of implementing this change to its management list programming.

C. The Work Group recommends that Court of Appeals IOPs 7.210(B)(1)-1 & 7.210(B)(1)-2 be amended to require that transcripts be ordered within 14 rather than 28 days after the filing of the claim of appeal or grant of an application for leave to appeal. It is also recommended that the Court of Appeals management list programming be revised so that appeals where a stenographer's certificate has not been filed appear on the appropriate management list 14 days rather than 28 days after the claim of appeal is filed or leave to appeal granted. It should be noted that the Court of Appeals is currently giving serious consideration to implementation of this recommendation.

D. The Work Group recommends that the Court of Appeals include a provision in remand orders requiring the moving party to advise the reporter/recorder of the provision in the remand order setting the time for filing the transcript of the proceedings on remand (generally within 21 days after completion of the proceedings on remand). It should be noted that the Court of Appeals is currently giving serious consideration to implementation of this recommendation.

VI. ADDITIONAL ISSUES:

The Work Group recognized and discussed the following issues relating to transcript production without reaching any specific recommendations:

- A. Concerns about the quality of transcripts prepared from video and audio recordings and possible delay in the production of transcripts from audio and video recordings.
- B. Possible amendment of MCR 7.210 to allow parties in civil appeals to order only those parts of the transcript that are deemed necessary for purposes of appeal.
- C. The need to focus on continued development of electronic filing and electronic records.
- D. The need to encourage reporters/recorders to increase their skill level and utilize new technology in order to accurately and efficiently produce transcripts.

RECORD PRODUCTION WORK GROUP

Proposed court rule amendments:

MCR 8.119(D)(1)(c) – register of actions

MCR 7.210(B)(3)(a) – stenographer's certificate

MCR 6.425(F) – trial court responsibilities in criminal appeals by indigent defendants

MCR 8.119(D)(1)(c):

(c) Register of Actions. The clerk shall keep a case history of each case, known as a register of actions. The register of actions shall contain both pre- and post-judgment information. When a case is commenced, a register of actions form shall be created. The case identification information in the alphabetical index shall be entered on the register of actions. In addition, the following shall be noted chronologically on the register of actions as it pertains to the case: the offense (if one); the judge assigned to the case; fees paid; date and title of each filed document; process issued and returned; date of service; date of each event and type and result of action; date of scheduled trials, hearings, and all other appearances or reviews including a notation indicating whether proceedings were heard on the record and the name and certification number of the court reporter or recorder present; orders; judgments; verdicts; the judge at adjudication and disposition; date of adjudication and disposition; manner of adjudication and disposition. Each notation shall be brief, but shall show the nature of each paper filed, each order or judgment of the court, and the returns showing execution. Each notation shall be dated with not only the date of filing, but with the date of entry and shall indicate the person recording the action.

Staff Comment: The record production work group anticipates that requiring the register of actions to reflect whether proceedings were heard on the record and the name and certification number of the court reporter or recorder who was actually present will allow the ordering party or court to more quickly and accurately identify the relevant hearing dates and the responsible reporter or recorder and help to eliminate substantial delay that occurs when the reporter/recorder or hearing dates are incorrectly identified in the transcript order.

MCR 7.210(B)(3)(a):

(a) Certificate. Within 7 days after a transcript is ordered by a party or the court, the court reporter or recorder shall furnish a certificate stating that the transcript has been ordered, whether he/she is the court reporter or recorder for each of the proceedings requested, the estimated number of pages for each of the proceedings requested, that and payment for ~~it~~ the transcript has been made ~~and or~~ secured and that it will be filed as soon as possible or has already been filed.

Staff Comment: The record production work group anticipates that requiring the reporter or recorder to state in their stenographer's certificate whether they were the reporter or recorder for each of the proceedings requested will ensure, early on in the transcript production process, that the transcript order has been directed to the proper reporter or recorder. It is anticipated that requiring the reporter or recorder to state the estimated number of pages for each transcript will provide information valuable to the Court of Appeals in pursuing overdue transcripts.

MCR 6.425(F):

MCR 6.425(F) Appointment of Lawyer; Trial Court Responsibilities in Connection with Appeal.

(1) Appointment of Lawyer.

(a) Unless there is a postjudgment motion pending, the court must rule on a defendant's request for a lawyer within 14 days after receiving it. If there is a postjudgment motion pending, the court must rule on the request after the court's disposition of the pending motion and within 14 days after that disposition.

(b) In a case involving a conviction following a trial, if the defendant is indigent, the court must enter an order appointing a lawyer if the request is filed within 42 days after sentencing or within the time for filing an appeal of right. The court should liberally grant an untimely request as long as the defendant may file an application for leave to appeal.

(c) Scope of Appellate Lawyer's Responsibilities. The responsibilities of the appellate lawyer appointed to represent the defendant include representing the defendant

(i) in available postconviction proceedings in the trial court the lawyer deems appropriate,

(ii) in postconviction proceedings in the Court of Appeals,

(iii) in available proceedings in the trial court the lawyer deems appropriate under MCR 7.208(B) or 7.211(C)(1), and

(iv) as appellee in relation to any postconviction appeal taken by the prosecutor.

(2) Order to Prepare Transcript. The appointment order also must

(a) direct the court reporter to prepare and file, within the time limits specified in MCR 7.210,

(i) the trial or plea proceeding transcript,

(ii) the sentencing transcript, and

(iii) such transcripts of other proceedings, not previously transcribed, that the court directs or the parties request, and

(b) provide for the payment of the reporter's fees.

The court must promptly serve a copy of the order on the prosecutor, the defendant, the appointed lawyer, the court reporter, and the Michigan Appellate Assigned Counsel System.

The trial court must rule on a defendant's request for additional transcripts made after issuance of the order of appointment within 14 days after receiving the request.

(3) Order as Claim of Appeal; Trial Cases. In a case involving a conviction following a trial, if the defendant's request for a lawyer, timely or not, was made within the time for filing a claim of appeal, the order described in (F)(1) and (2) must be entered on a form approved by the State Court Administrator's Office, entitled "Claim of Appeal and Appointment of Counsel," and the court must immediately send to the Court of Appeals a copy of the order and a copy of the judgment being appealed. The court also must file in the Court of Appeals proof of having made service of the order as required in subrule (F)(2). Entry of the order by the trial pursuant to this subrule constitutes a timely filed claim of appeal for the purposes of MCR 7.204.

Staff Comment: The work group anticipates that requiring the trial court to rule on a defendant's request for additional transcripts within 14 days after receipt of the request will reduce delay by ensuring that additional transcripts are promptly ordered.

STATE OF MICHIGAN Judicial District Judicial Circuit County Probate	REPORTER/RECORDER CERTIFICATE OF ORDERING OF TRANSCRIPT ON APPEAL Appeal to: <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Circuit	CASE NO.
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Court address

Court telephone no.

Plaintiff/Petitioner name(s) and address(es) <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee	v	Defendant/Respondent name(s) and address(es) <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee
Attorney, bar no., address, and telephone no.		Attorney, bar no., address, and telephone no.

☐ Probate In the matter of _____

This certificate must be filed by appellant or reporter/recorder within 7 days of the date the transcript is ordered.

I am a certified court reporter/recorder for the court designated above and I certify that:

On _____, the transcript of the following dates of proceedings, taken in this case before Judge _____
was ordered by _____.
(Insert name of ordering attorney or party, indicate if the transcript has been ordered by the court.)

Payment has been made or secured and the transcript: ☐ will be furnished by _____ or
☐ has been filed with the court and furnished as requested. Date filed:_____.

Date of Proceedings	Type of Proceedings (i.e. motion, jury trial, etc.)	Proceedings were held on the record? (yes or no)	I am the Reporter/Recorder responsible for the transcript (yes or no)	List the name of the Reporter/Recorder responsible for the transcript if other than yourself	Estimated Number Of Pages

Date

Certification designation and number

Reporter/Recorder signature

Business address

Name (type or print)

City, state, zip

Telephone no.